IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.161 OF 2005

Shri Viral G. Somani & Anr. ..Applicants.

V/s.

Chairman,
Janalaxmi Co-op.Bank Ltd. & Ors...Respondents.

Mr.P.N.Joshi for applicants.

CORAM: A.M.KHANWILKAR,J

DATE : JUNE 28, 2006.

P.C. :

1. This petition was originally filed as Writ Petition. However, the proceedings have been converted into Civil Revision Application in terms of liberty sought by the petitioners as noted in the order dated 1st December, 2005. When the matter is heard, it is seen that the order which is impugned in the present proceeding, if set aside, the effect will be of restoring the suit to its file to be proceeded on merits. If that is the ultimate course to be adopted, the proceedings cannot be one by way of Revision Application in view of the settled legal position by now. The counsel for the applicants therefore, submits that he may be granted permission to reconvert this proceedings into writ petition. That liberty is granted.

2. Amendment to be carried out within one week from today, failing which revision application to stand dismissed for non-prosecution without further reference to the court.